

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3700

Application No.: 10/085,422

Paper Dated: March 15, 2005

In Reply to USPTO Correspondence of December 15, 2004

Attorney Docket No.: 0644-011608

REMARKS

Claims 1-17 are currently pending in this application. Claims 4-7, 9-11, 16 and 17 have been allowed. This Amendment amends claims 1 and 12. Support for the amendments to the claims can be found in the specification, drawings and claims as originally filed. No new matter has been added.

Applicant hereby requests that the Examiner acknowledge our claim of priority to U.S. Provisional Patent Application No. 60/272,025, filed February 28, 2001 in the next Official communication.

Claims 1-3, 8 and 12-15 stand finally rejected under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 5,967,182 to Wilson (hereinafter "the Wilson patent") in view of U.S. Patent No. 6,182,689 to Lauer et al. (hereinafter "the Lauer patent") for the reasons discussed on page 2 of the Final Office Action. Specifically, the Examiner asserts that term "integral" should not be given a narrow definition and, therefore, the structure of the Lauer patent (i.e., filter screen secured to the diaphragm assembly) is considered integral.

In response, independent claims 1 and 12 have been amended to include the language "an integral filter integrally formed in the flush valve diaphragm." Support for these amendments to the claims can be found, for example, on page 9, paragraph [0037] of the present specification. As discussed in detail below, none of the cited prior art references teaches or suggests an integral filter integrally formed in the diaphragm.

The Wilson patent discloses a diaphragm type flush valve having a diaphragm that includes a filter ring 56 attached to a bottom of the rubber diaphragm 18 and a bypass orifice 58 attached to an upper surface (Fig. 2 and column 4, lines 38-40). The Examiner has acknowledged that the Wilson patent does not disclose a filter as an integral element (i.e., integrally formed) in the diaphragm 18.

The Lauer patent is directed to a filter mechanism for a diaphragm flush valve in which a diaphragm assembly 26 includes a diaphragm 36, wherein an outer periphery 38 is held in position by an inner cover 20 when the diaphragm is mounted between the inner cover 20 and a filter assembly 42 (Figs. 1 and 2 and column 2, lines 53-55). A chamber 80 also separates a

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screen 70 of the filter assembly 42 from the diaphragm 36 (column 3, lines 57-60). Therefore, the Lauer patent does not teach or suggest a filter integrally formed in the diaphragm.

Because none of the prior art references teaches or suggests an integral filter integrally formed in the diaphragm as in amended independent claims 1 and 12, claims 1-3, 8 and 12-15 are believed to be distinguishable over the Wilson patent and Lauer patent. Therefore, reconsideration and withdrawal of the rejections of claims 1-3, 8 and 12-15 are respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-17 are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



Paul M. Reznick
Registration No. 33,059
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com